(4)

P.R. No. 3864/05
Presented by Shri Meera Jaiswal
dated 8/8/05

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 3729 /2005.

PETITIONER : Ku. Kriti Masih, aged about 27 years D/o Shri Inayat Masih, P. O. Bhilai, Distt. Durg (C.G.),

VERSUS

RESPONDENTS :

1) State of Chhattisgarh, Through : Secretary, Adim Jati and Annusuchit Jati Vikas Mantralaya, D.K.S. Bhawan, Raipur, P.O. and Distt. Raipur (C.G.)

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2) Member Secretary, Jati Praman Pratra Uchchstariy Chhanbin Samiti, Office of Commissioner Aadim Jati Tatha, Annusuchit Jati Vikas Ravi Shankar University Campus, Raipur.

3) Chhattisgarh State Electricity Board Through Secretary, Danganiya, Raipur, P.O. and Distt. Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION FOR ISSUANCE OF A WRIT OF CERTIORARI AND MANDAMUS AND ANY OTHER WRIT, / DIRECTION / ORDER.

(85)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.3729 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21.10.2005 W.P.No.3729/2005 Smt. Meera Jaiswal, counsel for the petitioner. Shri Pankaj Shrivastava, Panel Lawyer for respondents and 2. None for respondent No.3. Shri Niranjan Singh Rajput, Officer-in-charge, is present along with the records of the case before the Committee. Heard. This writ petition has been filed against the impugned order dated 4.4.2005 passed in case No. 58-C/2004 (Annexure P-1) passed by the Anusuchit Janjati Uchha Stariya Chhanbin Samiti, Raipur(C.G.). The main contention of learned counsel for the petitioner is that in the matter of her Caste certificate, the petitioner was called upon by the Committee to file her reply and necessary documents in support of her Caste certificate. She submits that on 17.3.2005, the petitioner appeared before the Committee and filed her written statement along with certain documents and further date of 11.4.2005 was given to her. The further contention of learned counsel for the petitioner is that in stead of waiting till 11.4.2005, the Committee passed the	

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश – 2 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

impugned order on 4.4.2005 and in this manner, the petitioner was deprived with a right of hearing which is in violation of fundamental principles of natural justice. When these allegations were made on the earlier dates of hearing, this Court wanted the petitioner to file the order sheets of the proceedings before the Committee on which learned counsel for the petitioner had prayed for 15 days time on 17.8.2005. On 14.9.2005, learned counsel for the petitioner reported that the office of respondent No.2 has declined to give any paper to her and in this view of the matter, counsel for respondent No.2 was directed to produce the entire records of the proceedings in original on 29th September 2005.

In pursuance of the aforesaid order, the Officer-in-charge of the case is present in person along with the entire records.

I have perused the records of the committee.

On 17.3.2005, an order sheet has been recorded through the signatures of the Members of the Committee that the petitioner and her father both appeared before the Committee, they were heard. It is also recorded that they had filed their written statement and certain documents on earlier occasion. And thereafter, it has been recorded that the matter is closed for orders and ultimately a date of 4.4.2005 is mentioned in the order sheet. In this order sheet th

(87)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appears signatures of two persons which according to the learned counsel for the petitioner are the signatures of the petitioner and her father.

Ultimately, the order was passed on 4.4.2005 which has been impugned in this petition.

During the course arguments, learned counsel for the petitioner submits that an application of review has been filed which was received by the Committee on 4.6.2005.

The Officer-in-charge appearing in this case furnished this information that the final decision on this review application has not been taken and the same is pending for its disposal and the Committee, after taking cognizance in the matter has directed the Collector to furnish some information in this regard and a D.O. letter has been issued to the Collector vide order dated 1.7.2005. He further submits that the information from the end of the Collector has not been received.

In the facts and circumstances of the case, when the Committee itself has taken cognizance in the matter of review application filed by the petitioner, I am not inclined to interfere with the impugned order, Annexure P-1, which becomes the subject matter

SP/FS/2005 - 20,000

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश – 4 –	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of review before the Committee itself. I dispose of this petition at this stage.

The Officer-in-charge of this case submits that as soon as the report of the Collector is received, the matter shall be taken in to consideration and necessary orders will be passed.

It is expected that the Committee will take all the necessary steps to expedite the matter at the earliest possible date and the concerned Collector will also cooperate in the matter.

In the facts and circumstances of the case, this Court expects that the proceedings of review before the Committee will be expedited within a period of 10 weeks from today. A copy of this order shall be produced before the Committee by the petitioner and the Committee will apprise the Collector concerned with the order passed by this Court today with a view to expedite the hearing within the stipulated period expected by this Court.

With the aforesaid observations, this petitions stands disposed of at this stage.

Consequently, M.W.P.No. 3134/2005 and I.A.No.7647/2005 stand disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

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